

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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Michael Rodriguez,

Case No. 2:17-cv-02344-RFB-DJA

Plaintiff,

Order

V.

NaphCare, et al.,

Defendants.

Before the Court is Defendant Las Vegas Metropolitan Police Department’s (“LVMPD”) motion to extend the dispositive motion deadline. (ECF No. 319). Also before the Court is Plaintiff’s “motion requesting court directive” regarding the suggestion of death filed for Defendant Dr. Harry Duran. (ECF No. 322). Because Plaintiff did not oppose LVMPD’s request to extend the dispositive motion deadline, the Court grants LVMPD’s motion *nunc pro tunc*, meaning retroactively. Because the Court finds that a meet and confer is warranted on the suggestion of death, it grants in part Plaintiff’s motion for direction regarding the suggestion of death.

A. The Court grants LVMPD's motion to extend the dispositive motion deadline nunc pro tunc.

LVMPD asserts that an extension of the dispositive motion deadline from October 12, 2022 to January 10, 2023 is necessary because two of Plaintiff's motions that may alter the legal and factual issues in this case are still outstanding: Plaintiff's motion for reconsideration (ECF No. 299) and Plaintiff's motion to stay (ECF No. 306). (ECF No. 319 at 5). LVMPD asserts that it wishes to have a fair understanding of all claims before the summary judgment stage and thus, an extension of the dispositive motion deadline is warranted. (*Id.*). In response, Plaintiff did not oppose the request, but asks that the Court reopen all other discovery deadlines as well. (ECF No. 324 at 2). He explains that, depending on the outcome of his motion to reconsider, he may

1 need to issue more interrogatories. (*Id.* at 3). LVMPD replies that the Court should grant the
2 motion to extend the dispositive motion deadline because Plaintiff did not oppose it, but that the
3 Court should deny Plaintiff's request to reopen discovery. (ECF No. 326 at 2). On January 10,
4 2023, LVMPD filed its motion for summary judgment. (ECF No. 330).

5 The Court grants LVMPD's motion to extend *nunc pro tunc*, meaning retroactively,
6 because Plaintiff did not oppose LVMPD's request. The Court declines to reopen discovery as
7 Plaintiff requests because Plaintiff's request was not made properly in a motion complying with
8 Local Rule 26-3. Additionally, while Plaintiff asserts that he might need to issue additional
9 discovery requests if his motion for reconsideration is granted, that motion is still pending and
10 Plaintiff's reasoning for reopening discovery is thus speculative.

11 ***B. The Court grants in part Plaintiff's motion for direction.***

12 On August 24, 2022, attorneys for Defendants Larry Williamson, M.D.; Raymond
13 Mondora M.D.; James Anthony, D.O.; Eric Lopez, P.A.; NaphCare, Inc.; Harry Duran, M.D.; and
14 Kendra Meyer filed a notice of suggestion of death of Defendant Harry Leo Duran, M.D. (ECF
15 No. 318). Plaintiff moved the Court to "direct counsel for Duran to undertake efforts to ascertain
16 whether or not there is any surviving spouse, estate or successor which would be a proper
17 substitution pursuant to Rule 25(a)(1) Fed. R. Civ. P." (ECF No. 322 at 2). Plaintiff explains that
18 he has attempted to contact counsel for Dr. Duran, but that counsel has not responded. (*Id.*).
19 Counsel for Dr. Duran did not respond to Plaintiff's motion. Under Local Rule 16-1(d), in all
20 cases, the Court may order the parties to meet and confer to discuss a discovery plan, scheduling
21 order, briefing schedule, or any other matters the Court deems appropriate. The Court will
22 therefore grant Plaintiff's motion in part and require counsel for Dr. Duran to meet and confer
23 with Plaintiff regarding the suggestion of death.

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1 **IT IS THEREFORE ORDERED** that LVMPD's motion to extend time (ECF No. 319)
2 is **GRANTED**.

3 **IT IS FURTHER ORDERED** that Plaintiff's motion for direction (ECF No. 322) is
4 **GRANTED IN PART**. Counsel for Dr. Duran shall meet and confer with Plaintiff regarding the
5 suggestion of death on or before **March 20, 2023**.

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7 DATED: February 17, 2023

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DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

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